

FILED '09 OCT 28 14:09 USDG-ORP

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

SHAWN C. McWEENEY,

Civil No. 07-788-AC

Petitioner,

v.

ORDER

NANCY HOWTON,

Respondent.

MARSH, Judge.

Magistrate Judge John V. Acosta filed his Findings and Recommendation on September 9, 2009. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report.

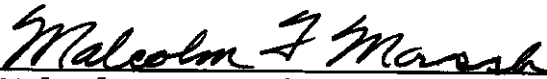
See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

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Petitioner filed timely objections. I have, therefore, given the file of this case a de novo review. I find no error. Accordingly, I ADOPT the Findings and Recommendation (#41).

IT IS SO ORDERED.

DATED this 28 day of October, 2009

  
Malcolm F. Marsh  
United States District Judge